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W.P.(MD)No.12473 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P (MD) No.12473 of 2022

M.A.Karikalan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Thasildar,
Usilampatti Taluk Office,
Usilampatti,
Madurai District.

4.The Assistant Executive Engineer,
Public Works Department,
Gundaru Irrigation and Water Resource Sub Divisional Office,
Usilampatti,
Madurai District.

5.V.Sathish Kumar

6.V.Arun Kumar

7.S.Jeyapaul

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made in Survey No.199 Vikiramangalam Kanmai which is situated at V.Kovilpatti, Vikiramangalam Village, Usilampatti Taluk, Madurai District based on petitioner's representation dated 01.04.2022 and 30.05.2022 and consequently direct the respondents 1 to 4 to take appropriate action against the respondents 5 to 7 within the time limit that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents 1 to 4 : Mr.J.Ashok

Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>



ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Stating that the respondents 5 to 7 have made encroachment in the waterbody in Survey No.199 Vikiramangalam Kanmai which is situated at V.Kovilpatti, Vikiramangalam Village, Usilampatti Taluk, Madurai District, the above writ petition has been filed by the petitioner for removal of encroachment, after giving representations dated 01.04.2022 and 30.05.2022.

2. Heard Mr.A.D.Ganeshamoorthi, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4.

3. Though notice is expected to be served on the respondents 5 to 7, considering the fact that the encroachment is spread over substantial portion of the waterbody at the instance of several individuals and the nature of the order going to be passed by this Court, no prior notice to the respondents 5 to 6 is required.

4. Learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that several encroachments are noticed within the waterbody viz., Vikiramangalam Kanmai, which is spread over a large extent of 102 Hectares. Learned Additional Government Pleader, on instructions, further submitted that the respondents, particularly, the fourth respondent may be directed to consider the representations of the petitioner and to take appropriate action in accordance with law and the procedures prescribed under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder.

5. Without expressing any opinion on the merits of the petitioner's representations dated 01.04.2022 and 30.05.2022, this Court directs the fourth respondent to consider the representations of the petitioner dated 01.04.2022 and 30.05.2022 and initiate appropriate action under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder and by following the guidelines issued by this Court in **T.S.Senthil Kumar vs. Government of Tamil Nadu** reported in **2010 (3) MLJ 771** and the Hon'ble Supreme Court in **Madhav Rao Schindia v. Ramesh Jatav [(2006) 1 SCC 379]** and pass final orders, after affording sufficient opportunity to the petitioner, respondents 5 to 7 and others concerned, within a period of four months from the date of receipt of a copy of this order. The fourth respondent shall ensure removal of encroachments meticulously, so that the entire tank is available to the public saving public interest.



6. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Thasildar,
Usilampatti Taluk Office,
Usilampatti,
Madurai District.

4.The Assistant Executive Engineer,
Public Works Department,
Gundaru Irrigation and Water Resource Sub Divisional Office,
Usilampatti,
Madurai District.

+1 CC to M/s.A.D.GANESHA MOORTHY, Advocate (SR-27315[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27416[F] dated 22/06/2022)

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MGJ(30.06.2022) 3P 7C